

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-19673 - APPLICANT: TCR-SOUTHWEST - OWNER:  
COHEN 1969 TRUST

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0-1/rt vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-19670) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

#### **Public Works**

3. Dedicate appropriate right of way for a standard knuckle at the southwest corner of Rowland Street and Haley Avenue prior to the issuance of any permits.
4. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
5. Construct incomplete half street improvements on Rowland Avenue adjacent to this site concurrent with development of this site. Improvements shall consist of permanent asphalt pavement and L-type curb; sidewalk installation may be deferred and decomposed granite provided in the area where sidewalk would normally be placed. Installation of streetlights may be deferred provided that exterior streetlighting shall be stubbed out for later use, including all necessary underground conduit and pull boxes at each streetlight location and the developer provide to the City such streetlights for the future installation. Alternatively, monies in lieu of such deferred streetlights, including bases, may be contributed to the City if allowed by the Department of Public Works. Coordinate with the Land Development Section of Public Works regarding streetlighting requirements prior to submittal of construction drawings. Sign and record a covenant running with the land for all urban improvements (sidewalk) not constructed at this time on Rowland Avenue.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Rezoning from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] under Resolution of Intent to R-PD25 (Residential Planned Development - 25 Units Per Acre) to R-PD25 (Residential Planned Development - 25 Units Per Acre) on 6.30 acres at 3132 North Jones Boulevard, southeast of the intersection of North Jones Boulevard and West Cheyenne Avenue. The project will allow for a 161-unit multi-family project which requires common area element. The proposed site plan however lacks the minimum openspace for a Residential Planned Development zone and will therefore be inconsistent with the General Plan. On this basis staff recommendation is for denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/06/06	The City Council considered a request for a General Plan Amendment (GPA-14354), Rezoning (ZON-14356), and Site Development Plan Review (SDR-14352) for a proposed 161-unit condominium development on 7.1 gross acres at 3132 North Jones Boulevard. Planning Commission and staff recommended denial. City Council approved the project subject to conditions.
10/27/97	The City Council approved a Rezoning (Z-86-97) from U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for development of a 16,708 square foot drugstore. Planning Commission and staff recommended approval.
06/15/94	The City Council considered a request for reclassification (Z-41-94) of property located on the southeast corner of Cheyenne Avenue and Jones Boulevard from N-U (Non-Urban) to C-1 (Limited Commercial). City Council, Planning Commission, and staff recommended approval.
05/24/07	The Planning Commission recommended approval of companion items VAr-19672 and SDR-19670 concurrently with this application.  The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #30/ja).
<b><i>Related Building Permits/Business Licenses</i></b>	
None	
<b><i>Pre-Application Meeting</i></b>	
01/24/07	A Pre-Application conference was held with the applicant and staff advised of the openspace requirements.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application type nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	7.36 acres
Net Acres	6.30 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant	M (Medium Density Residential)	C-1 (Limited Commercial) under ROI (ZON-14356) to R-PD25 (Residential Planned Development 25 Units Per Acre)
North	Commercial and Parking	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-family Residential	U (Undeveloped) M (Medium Density Residential)	U (Undeveloped) M Medium Density Residential under ROI to R-3 (medium Density Residential)
East	Single Family Residential	Single Family Residential	Unincorporated Residential area
West	Vacant lot and Commercial	SC (Service Commercial)	C-1 (Limited Commercial), U (Undeveloped), SC (Service Commercial)

## **DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06, the development standards shall be established upon the approval of the Rezoning and Site Development Plan Review for each Planned Development District.*

<b><i>Standard</i></b>	<b><i>Requested R-PD</i></b>
Min. Lot Size	NA
Min. Lot Width	300 feet
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 feet 5 feet (south property line 25 (along private road) 20 feet (along Cheyenne Avenue) 20 feet
Min. Distance Between Buildings	20 feet
Max. Building Height	3 stories/40 feet

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
U (Undeveloped) M (Medium Density Residential General Plan Designation)	25.49 Units Per Acre (GPA designation)	161
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD25 (Residential Planned District 25 Units Per Acre)	25.00 Units Per Acre	161
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
M (Medium Density Residential)	25.49 Units Per Acre	161

*Pursuant to Title 19 – Section 19.06.040 the following open space standards apply:*

<b>Open Space – R-PD only</b>							
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Ratio</b>	<b>Percent</b>	<b>Area</b>	<b>Percent</b>	<b>Area</b>	
6.30 acres (274,428 square feet)	25.6 du/acre	1.65	42%	115,869 square feet (2.66 acres)	25%	68,824 square feet (1.58 acres)	N*

## ANALYSIS

The project request is for a Rezoning of property currently zoned as U (Undeveloped) M (Medium Density Residential – General Plan Designation)] to R-PD25 (Residential Planned Development – 25 Units Per Acre). Existing zones surrounding the project site includes C-1 (Limited Commercial) zone to the north, U (Undeveloped) M (Medium Density residential) General Plan Designation under ROI to R-3 (Medium Density Residential) to the south, U (Undeveloped) SC (Service Commercial) to the west, unincorporated (Clark County) single family residential district to the east. The proposal as designed will not meet the open space requirements of R-PD (Residential Planned Development) districts and the intent of the General Plan.

- **General Plan and Zoning**

While the density of the proposed development meets the requirements of the M (Medium Density Residential) Land Use Designation, the lack of open space for the development fails to meet the requirements of the Residential Planned Development Zoning category; and therefore, is not considered to meet the intent of the General Plan. Staff recommends denial of the proposed Rezone.

## FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed R-PD25 (Residential Planned Development – 25 Units Per Acre) zoning is consistent with the proposed M (Medium Density Residential) land use designation.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The primary issue with the development is the lack of the required open space. Open space is an integral part of the R-PD (Residential Planned Development) zone as the developer receives flexibility in design and density for the provision of open space. When open space is not provided the project does not meet the standards for the zoning district in which it is located. Furthermore, the project is designed to maximize the permitted density which will result in a development that is considered incompatible with the site area and adjacent single-family residences east of the subject parcel.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The subject property abuts Jones Boulevard, a primary arterial street that carries a substantial volume of vehicular traffic. There is commercial development to the north and west.

The R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. This development does meet the open space standards set forth in Title 19.06.040 therefore the rezoning request is not appropriate for this location.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Jones Boulevard is designated by the Master Plan of Streets and Highways as a 100-foot Primary corridor and will provide adequate access to the site.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 3

**NOTICES MAILED** 286 by Planning Department

**APPROVALS** 0

**PROTESTS** 1